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RECEIVED

OCT 28 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 28, 1998

BY HAND DELIVERY

Magalie R. Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Petition for Rulemaking
Lockwood, Montana

Dear Ms. Salas:

Transmitted herewith on behalf of Lockwood Broadcasting Company are an original and four copies of its Petition for Rulemaking requesting the Commission to institute a rulemaking proceeding to amend the FM Table of Allotments and allot Channel 294A to Lockwood, Montana, as that community's first local broadcast service.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Andrew S. Kersting
Counsel for
Lockwood Broadcasting Company

Enclosure

cc (w/ encl.): Certificate of Service (by hand)

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ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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OCT 23 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. _____
Table of Allotments,) RM No. _____
FM Broadcast Stations,)
(Lockwood, Montana))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Lockwood Broadcasting Company ("LBC"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments to allot Channel 294A to Lockwood, Montana, as that community's first local broadcast service. Thus, LBC proposes to amend Section 73.202(b) of the Commission's rules as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Lockwood, Montana	- - - -	294A

In support of this request, the following is stated:

The city of Lockwood, Montana, is a census designated place located in Yellowstone County, which has a 1990 U.S. Census population of 3,967.¹ Lockwood is served by the Lockwood Fire Department, Lockwood Primary School, Lockwood Intermediate School, Lockwood Junior High

¹ Source: *Rand McNally Commercial Atlas & Marketing Guide*, p. 411 (127th ed.) (1996).

School, and the Lockwood School Health Center.² Lockwood also has its own supermarket, two banks (Little Horn State Bank and First Security Bank), six gas station/convenience stores,³ and several restaurants.⁴ The local yellow pages also list several additional Lockwood businesses, including Lockwood Auto Glass, Lockwood Auto Repair, Lockwood Auto & Truck Salvage, Lockwood Beauty Salon, Lockwood Irrigation Pump House, Lockwood LokIts, Lockwood Pack'N Post, Lockwood Veterinary Service, and Lockwood Water Users Association.

As demonstrated in the attached engineering materials, the proposed site meets the minimum distance separation requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemaking petitions. *See* Attachment A, p. 1. The engineering exhibit also demonstrates that, from the specified reference coordinates, the proposed station would provide a coverage contour in excess of the required 70dBu over the entire community of license. *Id.* at 2.

As stated above, the allotment of Channel 294A will provide Lockwood with its first local transmission service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of broadcast stations among the various

² Unless otherwise indicated, all of the information contained herein regarding the community of Lockwood was obtained from Alan Riley, Chief of the Lockwood Fire Department.

³ These businesses are: Lockwood Interstate Exxon, Blue Basket, Quik-Way, Flying J Truck Stop, Town Pump, and Cenex.

⁴ The local restaurants include Jackpot Diner, VR Fast Foods, the Big Dipper, Planet Lockwood, Little Caesars, A&W Root Beer, Blimpie, Burger King, and Second Shift.

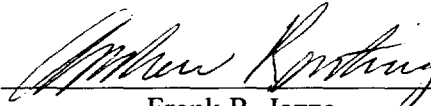
states and communities,⁵ and promote the third allotment priority established in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).⁶

In the event this petition requesting the allotment of Channel 294A at Lockwood, Montana, is granted, LBC will file Comments in support of the proposed allotment. If the proposed allotment is adopted, LBC will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Lockwood Broadcasting Company respectfully requests that the Commission GRANT this petition for rulemaking, issue a *Notice of Proposed Rule Making* to AMEND the FM Table of Allotments, and ALLOT Channel 294A to Lockwood, Montana, as that community's first local broadcast service.

Respectfully submitted,

LOCKWOOD BROADCASTING COMPANY

By: 
Frank R. Jazzo
Andrew S. Kersting

Its Counsel

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1300 N. Seventeenth Street, 11th Floor
Arlington, Virginia 22209
(703) 812-0400

October 28, 1998

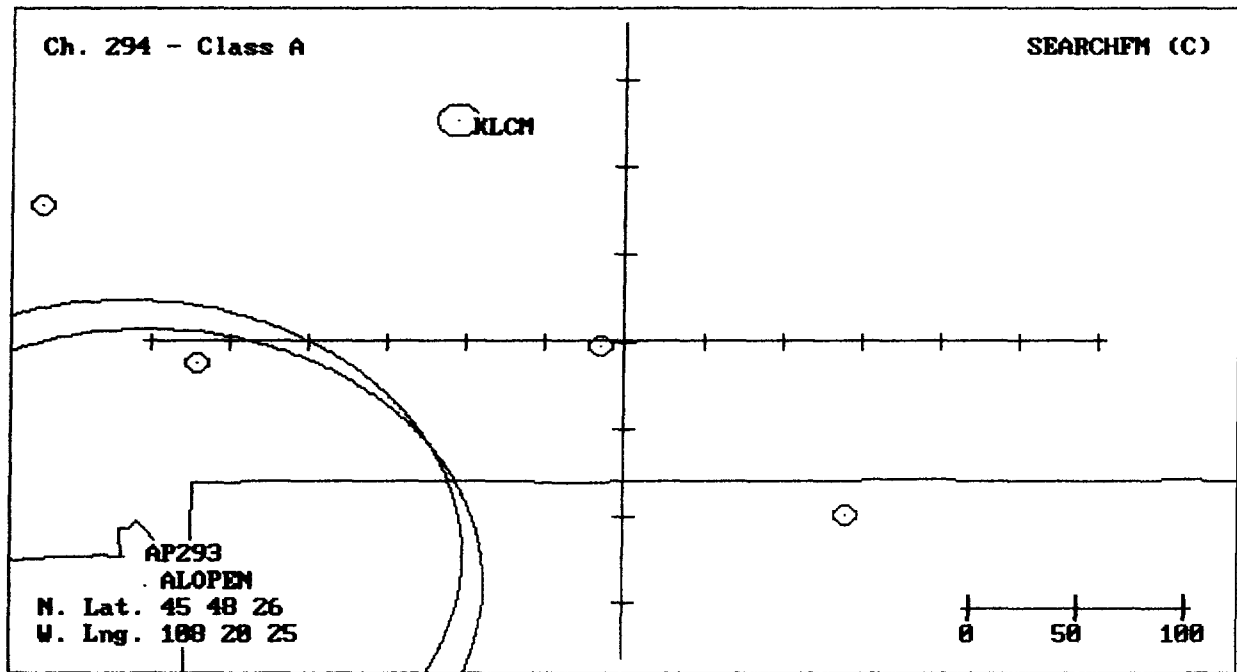
⁵ 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of the Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to "secure local means of expression").

⁶ The criteria for determining the comparative preferability of a proposed FM allotment are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. 90 FCC 2d at 91.

Attachment A

Engineering Materials

Contours Inc.
2014 N. Irby St. - Florence SC 29506



LOCKWOOD, MT
ALLOCATION

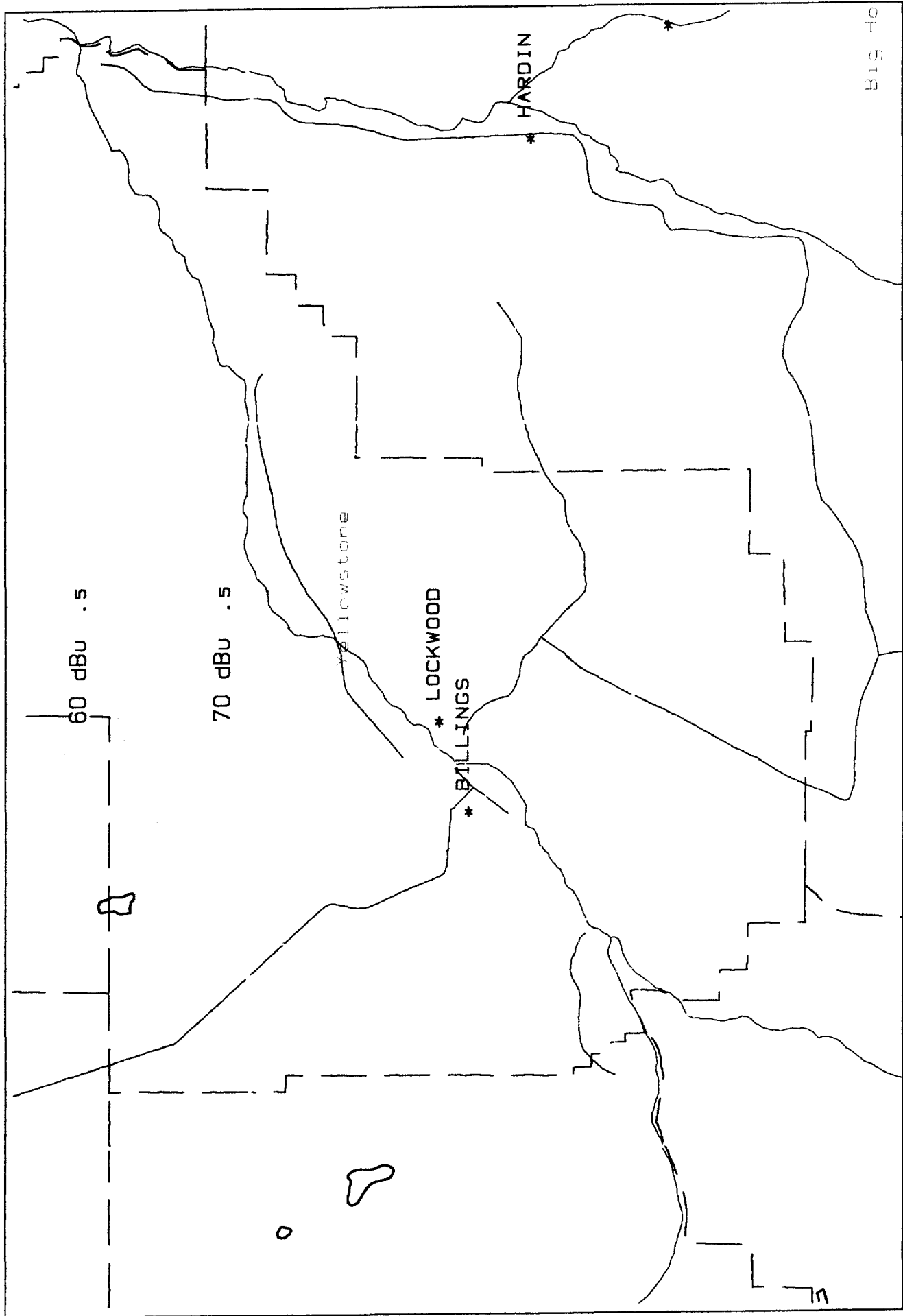
Search 04-22-19

Data 04-22-98

Current rules spacings

CHANNEL 294 -106.7 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AP293	293C	Island Park	ID	240.4	280.25	165.0	115.25
DE293	293C	Island Park	ID	236.1	281.87	165.0	116.87
ALOPEN	293C	Island Park	ID	236.1	281.87	165.0	116.87
KLCM	240A	Lewistown	MT	329.7	162.59	10.0	152.59



Big Ho

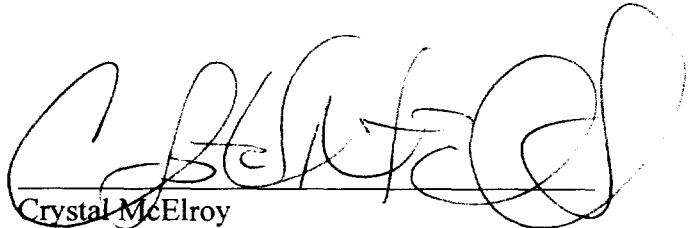
<p>LOCKWOOD, MT CONTOURS INC. - 04/98</p>	<p>ALOC 294 6kW N. Lat. 45 48 26 W. Lng. 108 20 25</p>	<p>Scale in km 0 10 20 30 40</p>
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CERTIFICATE OF SERVICE

I, Crystal McElroy, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 28th day of October, copies of the foregoing "Petition for Rulemaking" were hand delivered to the following:

John A. Karousos, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., Room 554
Washington, DC 20554

Ms. Kathleen Scheuerle
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., Room 558-A
Washington, DC 20554


Crystal McElroy